

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

James F Lowery aka James Floyd Lowery : Chapter 13
Esther O Lowery aka Esther Salem :
aka Esther Otilia Lowery :
Debtor(s) : Case No. 1:14-bk-03818-HWV

MOTION FOR AUTHORIZATION TO MODIFY RESIDENTIAL MORTGAGE

NOW COMES, James F Lowery (Deceased) and Esther O Lowery, “the Debtors”, by and through counsel, Leonard Zagurskie, Jr., Esquire, and respectfully request that this Honorable Court approve the Loan Modification Agreement for Debtors’ residential mortgage, and as reasons therefore state(s) as follows:

1. Debtor filed her voluntary petition under Chapter Thirteen on August 20, 2014. The Chapter 13 proceeding either has been or will be converted to a Chapter 7.
2. During the course of the Chapter 13, the Debtor began negotiating with her first mortgage holder, PNC Mortgage, for a loan modification as it relates to her homestead residence located at 123 West Main Avenue Myerstown, PA 17067.
3. The Debtor was ultimately successful and was offered a loan modification agreement under terms and conditions that are agreeable to both the borrower and the lender. All preliminary steps to complete the modification have been provided for. A copy of the loan modification documents including the Loan Agreement Modification which includes the terms and conditions is attached hereto as Exhibit “A”.
4. Debtor Husband, James F Lowery passed away on Monday, January 18, 2016. Death Certificate is attached hereto as Exhibit “B”. He was the main source of employment income for the family. Debtor Wife, Esther O Lowery is retired receiving Social Security and Pension.

5. Debtor Wife is under physician's care and treatments due to chronic gastrointestinal illness, known as Crohn's disease. Also she suffers from Type II diabetes & hypertension.

6. It is understood by all that the Debtor will be converting or has already converted the Chapter 13 to a Chapter 7 and that any Discharge entered by this Court will be in the form of a Chapter 7 Discharge. And that a release of the mortgage from the bankruptcy repayment plan of the chapter 13 is forthcoming and that the Homeowner will be making payments directly to the Lender, PNC.

7. To finalize the transaction the lender is requiring the approval of this Court.

8. WHEREFORE, Debtors requests this Court approve the Loan Agreement Modification for Debtors' residential mortgage.

Respectfully submitted,
LAW OFFICES OF LEONARD ZAGURSKIE, JR

Date: June 28, 2018

/s/ Leonard Zagurskie, Jr., Esquire
Leonard Zagurskie, Jr., Esquire
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